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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Claus-Markus Pfeffer

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SUITE 1210

NEW YORK, NY 10176

EXAMINER

LAUGHLIN, NATHAN L

ART UNIT

PAPER NUMBER

2123

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,495	Applicant(s) PFEFFER, CLAUD-MARKUS	
	Examiner NATHAN LAUGHLIN	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-18,21-28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-18,21-28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-7-09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Action

This action is in response to the amendments filed on 7-7-09.

Claims 1,3-7,9-18,21-28 and 30-38 are pending.

Claims 1,3-7,9-18,21-28 and 30-38 are rejected below.

Information Disclosure Statement

1. The information disclosure statement filed 8-7-09 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no corresponding translated abstract of the lined through foreign patent. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-7,9-18,21-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (U.S. PG Pub. 2003/0122679) in view of Young (U.S. Pat. 5,801,634) in further view of Kurihara (U.S. PG Pub. 6697695).

Matsushima teaches:

As to claims 1, 7, 13, 28, a fault message system, comprising;

a plurality of spatially distributed production units (fig. 6, elements 12a-12-c), each production unit comprising means for generating and indicating fault signals, each production unit being associated with a transmitting unit configured for transmitting the fault signals [0031-0032], wherein two or more of said production units are arranged to form at least one group (fig. 6);

a fault alarm box configured for receiving the fault signals and forwarding fault messages (fig. 3 element 52);

a process computer configured for receiving the fault messages from the fault alarm box (fig. 6 elements 64, 66 or 68); and

at least one stationary data receiving unit configured for transmitting the fault signals to the fault alarm box (fig. 3 element 32), the at least one stationary data receiving unit

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configured receiving the fault signals from the at least one group and indicating the fault signals (fig. 2), the lamp being configured for visually displaying the fault signals [0030]; Examiner notes that claims 7, 13, and 28 have similar limitations, therefore, the citations and rational are similar.

As to claim 3, wherein the fault alarm box is connected to the process computer via a network connection (fig. 6).

As to claim 4, wherein the network connection is a LAN connection (fig. 6).

As to claim 5, wherein the process computer is connected to other computers via a second network (fig. 6).

As to claim 6, wherein the fault alarm box comprises a data editing unit [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs to be modified to send to one or the other or both.

As to claim 9, wherein the fault signals of the production units are edited in the fault alarm box for conversion into fault messages [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs to be modified to send to one or the other or both.

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As to claim 12, wherein the fault message is supplied to the process computer at a different time than the fault message is supplied to said data receiving devices (fig. 6). Since the data is sent through the fault box (52) it must be sent to the other computers (64, 66, and 68) at some other time.

As to claim 14, further comprising a receiving device for receiving the fault message from said fault alarm (fig. 6).

As to claim 15, wherein the receiving device is a mobile telephone (fig. 6,8 [0038]).

As to claim 16, wherein said fault message is sent in the form of an SMS [0038, 0039, 0041]. Matsushima teaches data is sent using a phone and via e-mail. Therefore, it is clear to one of ordinary skill in the art that SMS does not deviate enough from the concepts of Matsushima to be non-obvious.

As to claim 21, wherein said production units are spatially separated (fig. 6).

As to claim 23, wherein said process computer is adapted to document and evaluate fault messages from said fault alarm [0039]. The computer stores the data and determines which e-mail message to send based on the alarm.

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As to claim 24, wherein said process computer is connected to said fault alarm via a network connection (fig. 6).

As to claim 25, wherein said fault alarm has a data editing means for determining when to send the fault message from said fault alarm [0038] (fig. 6). The fault box is configured to send the data on to the other computers or to a phone, in either case the data needs to be modified to send to one or the other or both.

As to claim 33, wherein said first fault message is sent to the data receiving device and the process computer at different time intervals (fig. 6). Since the data is sent through the fault box (52) it must be sent to the other computers (64, 66, and 68) at some other time.

As to claim 34, wherein the fault alarm box is connected to a plurality of stationary data receiving units (fig. 6).

As to claim 37, wherein the fault alarm is connected to a plurality of stationary data receiving units (fig. 6).

Matsushima teaches most of the claimed invention, however, Matsushima fails to teach that the monitor (receiving unit) and lamp are separate entities not connected to the fabrication unit as described in claims 1, 7, 13, and 28. However, to one of ordinary skill

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in the art this is an obvious variation. One of ordinary skill in the art would realize that the light tower could be a separate entity allowing the light tower to be placed visible to a production floor. Also, Young teaches his aspect as follows:

Young teaches that the monitoring controller can be separate and include a light tower (fig. 1) (col. 3 line 61- col. 4 line 41). Furthermore, Kurihara also teaches that the monitor can be remotely placed from the fabrication unit which will be discussed below.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was created to include the teachings of Young into the system and methods as disclosed by Matsushima. The motivation to combine is that Young teaches a light tower can be above a fabrication unit where it is remotely visible so that corrective action can be initiated more timely (col. 1 lines 34-40).

Matsushima in view of Young teaches a fabrication and monitoring system in which a light tower can be remotely located. However, neither Matsushima or Young teach all the limitations of claims 1, 7, 10, 11, 13, 17-18, 26-28, 30-32, 35, 36, and 38.

However, Kurihara teaches:

As to claims 1, 7, 13, 28 a group of multiple units can be monitored by a single monitor (fig. 23).

As to claims 10, 26, 30, wherein a fault signal is only converted into a fault message in the fault alarm box when it is present for a predetermined period of time (col. 16 line 49-col. 17 line 12).

As to claims 11, 27, 31, wherein a fault signal is only converted into a fault message in the fault alarm box when a particular period of time has elapsed since the last presence of the previous fault signal (col. 16 line 49-col. 17 line 12).

As to claim 17, comprising a plurality of groups (fig. 22-23).

As to claim 18, wherein each group is comprised of production units of an individual production line (fig. 22-23).

As to claim 32, further comprising sending a second fault message from said fault alarm in response to a second fault signal received after sending said first fault message, wherein said second fault message is sent only if a predetermined period of time has elapsed following the end of said first fault signal (col. 16 line 49- col. 17 line 12).

As to claim 35, wherein the fault alarm box determines whether a fault signal should result in the issuance of a fault message (col. 19 lines 57-60).

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As to claim 36, wherein each data receiving unit is connected to more than one of the plurality of production units (fig. 22-23).

As to claim 38, wherein each data receiving unit is connected to more than one of the plurality of production units (fig. 22-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was created to include the teachings of Kurihara into the system and methods as disclosed by Matsushima further modified by Young. The motivation to do so is that Kurihara teaches that documenting an event (warning or error) can allow for data to be accurately and periodically obtained.

Furthermore, as to claims 1, 7, 22, 28, 36, and 38 Examiner notes that using wirelessly for connecting data units is extremely well known and includes many incentives for doing so. Motivation to use wireless is that it can reduce the cost of a network, reduce space taken by cables, and allow multiple units to connect to other units without direct cabling to each of the units.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-7, 9-18, 21-28, 30-38, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN LAUGHLIN whose telephone number is (571)270-1042. The examiner can normally be reached on M - F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nate Laughlin/
Examiner, Art Unit 2123

/Kideest Bahta/
Primary Examiner, Art Unit 2123